

REMARKS

Reconsideration is courteously requested.

Claims 25-45 are newly added, and Applicants have canceled, without prejudice, claims 9-11 and 16-24, claims primarily directed to apparatus for lymphedema treatment. As Applicants wish to presently pursue method claims, claims 17-22, directed to a wrap structure; claim 23, directed to a garment; and, claim 24, directed to a wrap, are canceled without prejudice for future pursuit in a presently pending application which supports the inclusion of same, and/or in a divisional of the subject application.

With regard to claims rejected under the judicially created doctrine of obviousness-type double patenting based upon Assignee's U.S. Pat. No. 6,645,165, it is respectfully submitted that a Terminal Disclaimer obviating such rejection will be submitted once the claimed subject matter is otherwise determined to be patentably distinct from the references of record.

Amended Independent Claims 8 & 12

With regard to the amended claims, claims 8 and 12 remain as the sole independent claims. As amended, each of the methods requires a wrap having a trunk region and limb regions, and arcuate compartments distributed through each of the regions, and each of the claims support a method step wherein regions of the wrap are successively activated/deactivated, progressing from a proximal most to distal most region.

It is respectfully submitted that said claims are patentably

distinct from the references of record as none, either alone, or in combination, fairly disclose or suggest Applicants' regional activation/deactivation methodology as will be subsequently discussed. Furthermore, Applicants reiterate their posture with regard to the claimed wrap structure features, namely, that it is only with improper hindsight that select references of record can be cobbled together to render obvious Applicants' wrap having a trunk region and limb regions, and **arcuate compartments** distributed through each of the regions. In-as-much as Alekseeva or Rosett may somehow be modified in light of Tobler et al., there is no evidence proffered to support the combination.

With regard to sequencing, **Bullard '020** appears to teach two sequences, each the reverse of the other. A first sequence (i.e., sequence 1, see generally 4:50 et seq.) commences from a distal chamber to a proximal chamber (e.g., with reference to FIG. 1A, from 1A→7A, or 1D→7D sequentially), with a second sequence (i.e., sequence 5, see generally 5:6 et seq.) being the reverse of the sequence 1 (i.e., with reference to FIG. 1A, from 7A→1A, or 7D→1D sequentially).

Wasserman '338 discloses a pre-therapy procedure (3:17 et seq. and FIG. 2) wherein there is a cumulative activation of successively more distal cells with every iteration of sub-cycle. Each successive sub-cycle subsumes (i.e., includes or incorporates) the immediately prior sub-cycle): sub-cycle X = sub-cycle (X-1) + the next most distal cell.

In contradistinction to both Bullard and Wasserman, Applicants' claimed treatment methodology contemplates two distinct pressurization and depressurization sequences wherein a first sequence (i.e., pretreatment) occurs proximally to distally **by region** (e.g., with reference to FIGS. 8A-8E, R1→R4), and within each select region proceeds distally to proximally by compartment (i.e., with reference to FIGS. 8A-8E, Cn→C1). With reference to FIGS. 8A-8E, the first sequence may be summarized as follows for each of the regions R1→R4: R1, Cn→C1; R2, Cn→C1; R3, Cn→C1; and, R4, Cn→C1. Critically, treatment commences after pretreatment, in a proximal fashion from the distal most compartment of a select region, the regions being selected in a proximal to distal fashion (i.e., radially extending outward from the trunk region to region, the compartments of the select region are selectively pressurized radially toward the trunk).

It is respectfully submitted that the subject amendments emphasize and more clearly embody Applicants' regional activation/deactivation methodology which is neither anticipated, nor rendered obvious by the references of record. It is respectfully submitted that the assertion that "Wasserman teaches that groups of compartments within a plurality of compartments can be inflated in any desired sequence in any order (DETAILED ACTION p. 6)" is conclusory, not based upon the record, and, being unsupported, the rejection is improper, and should be withdrawn. As such, claims 8 and 12, as well as those depending therefrom (i.e.,

amended claims 13-15, and newly added claim 25), are believed to be in condition for allowance.

New Independent Claims 26 & 27

Independent claims 26 and 27 are newly added.

As to the newly added independent method recitation of claim 26, it essentially eliminates a step of claim 1 of Assignee's U.S. Pat. No. 6,645,165, namely that of ¶d, the patentable features of said claim being retained in the new claim. As such, it is respectfully submitted that newly added claim 26 is in condition for allowance.

As to newly added independent claim 27, the references of record neither disclose nor fairly suggest a chamber by chamber activation/deactivation approach, particularly in the context of progressing toward and beyond a first lymph node area substantially corresponding to a first lymph node group of a garment wearer, independent claim 27, and those claims depending therefrom (i.e., claims 28-45), are patentably distinct from the references of record.

As a preliminary matter, Wasserman, Bullard and Tobler et al. disclose one or more structures for a limb, in contradistinction to Applicants' requirement of a garment for securing about a trunk and limb of a wearer. To the extent that Rosett and Alekseeva disclose garments having both trunk and limb portions, neither disclose Applicants' requirement for arcuate chambers. Furthermore, and critically, neither Rosett nor Alekseeva disclose Applicants' step

of sequentially activating/deactivating each arcuate chamber of the plurality of inflatable chamber **toward and beyond a first lymph node area** substantially corresponding to a first lymph node group of a garment wearer. Alekseeva discloses a vascular treatment wherein all chambers are pressurized in synch with a wearer's heart beat. Rosett, on the other hand, discloses a therapeutic device for enhancement of lymph fluid circulation wherein "waves of pressure" are directed to the heart, not a lymph node area corresponding to a lymph node group. As such, it is respectfully submitted that newly added independent claim 27, and those depending therefrom, are patentably distinct from the references of record.

CONCLUSION

For the reasons above, it is respectfully submitted that all rejections should be withdrawn, and all pending and newly added claims allowed. Early reconsideration and favorable action are solicited.

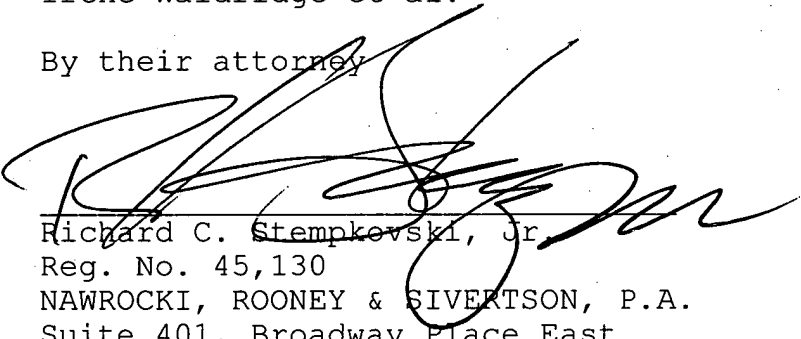
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Respectfully submitted,

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By their attorney

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